

## **REMARKS**

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1-6 over JP 2003-312457 to Masaharu in view of EP 0768224 to Poertzgen, and the § 103(a) rejection of claims 1, 6-9, 11, and 12 over Masaharu and Poertzgen in view of U.S. Patent 6,367,886 to Shaw.

As recited, e.g., in amended claim 1, a vehicle brake apparatus comprises, among other things, a brake operating member, a variable output mechanism disposed between the brake operating member and an output member, and a reaction force unit including a single spring attached to the output member for applying a reaction force to the output member by biasing the output member.

The Office Action, at page 3, lines 1-2, states that spring 16 of Masaharu corresponds to the single spring member recited in the claims. This statement is incorrect. Assuming, in Masaharu, that elements 9, 12, and 15 most closely correspond to the claimed variable output mechanism, and element 11 most closely corresponds to the claimed output member, then Masaharu's spring 16 is attached to a pedal arm 2 at a first end, and to a pedal bracket at a second end. It is not attached to the element 11, which most closely corresponds to the claimed output member, and therefore, Masaharu does not disclose at least this feature of the claims. Poertzgen does not cure this deficiency in Masaharu, so combining these two references does not render obvious claims 1-6.

Shaw also fails to teach at least this element of claim 1, so combining Shaw with Masaharu and Poertzgen fails to suggest claims 1, 6-9, 11 or 12 under § 103(a).

For the same reasons stated above, the cited references, viewed alone or in combination, fail to disclose or suggest new claim 14. For this reason, the spring in Masaharu also does not directly bias the output member, as recited in new claim 16.

With respect to new claims 15 and 16, although the Examiner, at page 7, lines 19-20 of the Office Action cites Shaw as disclosing a load sensor 15, Shaw's load sensor does not include the features recited in the new claims.

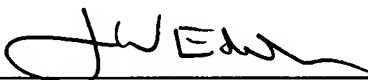
For all of the above reasons, claims 1-16 are patentable over the cited references. Applicant respectfully requests favorable reconsideration and allowance of the claims 1-16.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 10, 2007

By:   
James W. Edmondson  
Reg. No. 33,871